

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN**

MATTHEW HARRIS,

Plaintiff,

v.

Case No. 21-cv-1011

KYLE TRITT, et al.,

Defendants.

PLAINTIFF'S MOTION IN LIMINE – Number 18

Plaintiff Mathew Harris, by his counsel, pursuant to the Court's July 18, 2023 (Dkt. #72) and November 15, 2023 Pretrial Order (Dkt. # 78), and L.R. 16(b) files his motion in limine number 18 as follows:

Motion in Limine – Number 18

During the Fed.R.Civ.P. 30(b)(6) deposition on behalf of the named defendants, Defendant Kyle Tritt testified about the means and methods in which he is aware that prisoners in the Restrictive Housing Unit ("RHU") at Waupun Correctional Institution sneak in contraband, including razor blades. However, his testimony was very general, and not specific as to how razor blades ended up in Plaintiff's cell at RHU.

Plaintiff requests a bar on testimony by Tritt, or any of the other defendants, as to how the razor blades were introduced into the cell occupied by Harris. Of course, Harris will testify that he found the blades in the cell and that guards told Harris to cut himself like a pig (or words to that effect). Here, Defendants have no personal knowledge of how the razor blades were introduced into the cell. Any statements by

them about the means or methods that such contraband ***could be introduced*** is pure speculation, and they lack personal knowledge.

And, importantly, as noted in Plaintiff's pretrial report, the videotapes inside the cell occupied by Harris, both the overhead still video camera and any body cameras these defendants were required to wear has not been preserved (despite the request made by Harris). Such footage more than likely would have shown whether Harris had snuck the blades into his cell, whether a guard introduced the blades into the cell, whether the guards failed to inspect the cell (before Harris was placed in it), as required, or possibly another means. But, the failure to preserve deprives Harris of the opportunity to demonstrate to the jury that he found the blades.

Thus, Plaintiff seeks to bar any statement or testimony by Defendants as to their speculation of ways other inmates have smuggled contraband into the RHU. They have no personal knowledge about Harris and because they did not preserve video footage, they should be barred from speculating.

Respectfully submitted this 30th day of January, 2024.

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